

AMENDED IN ASSEMBLY MAY 7, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 644

Introduced by Assembly Member Caballero

February 25, 2009

An act to add Part 17 (commencing with Section 106000) to Division 10 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 644, as amended, Caballero. Monterey-Salinas Transit District Act.

Existing law establishes various local entities to carry out transportation functions within their respective areas of jurisdiction.

This bill would enact the Monterey-Salinas Transit District Act. The bill, *operative July, 1, 2010*, would dissolve the Monterey-Salinas Transit Joint Powers Agency and create the Monterey-Salinas Transit District within Monterey County to succeed to the rights, powers, duties, and obligations of the agency. The bill would establish ~~an 8-member~~ a board of directors to govern the district. The act would provide that upon the dissolution of the Monterey-Salinas Transit Joint Powers Agency its employees shall become employees of the district. The bill would authorize the district to hire independent staff and contract with public entities to implement the provisions of the act. The bill would authorize the district to raise moneys by issuing bonds payable from revenues of any facility or enterprise acquired or constructed by the district. The bill would establish other powers and duties of, *and conditions for membership in*, the district. By imposing new duties on a local agency, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Part 17 (commencing with Section 106000) is
2 added to Division 10 of the Public Utilities Code, to read:

3
4 PART 17. MONTEREY-SALINAS TRANSIT DISTRICT

5
6 CHAPTER 1. GENERAL PROVISIONS

7
8 106000. This part shall be known and may be cited as the
9 Monterey-Salinas Transit District Act.

10 106001. As used in this part, the following terms have the
11 following meanings:

12 (a) "Agency" means the Monterey-Salinas Transit Joint Powers
13 Agency, a joint exercise of powers agency.

14 (b) "Board of directors" means the Board of Directors *or*
15 "*board*" of the Monterey-Salinas Transit District.

16 (c) "Board of supervisors" means the Monterey County Board
17 of Supervisors.

18 (d) "County" means Monterey County.

19 (e) "District" means the Monterey-Salinas Transit District
20 created by Section 106010.

21
22 CHAPTER 2. FORMATION OF DISTRICT

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24 106010. There is hereby created the Monterey-Salinas Transit
25 District. The jurisdiction of the district extends throughout the
26 county, including all of the incorporated and unincorporated
27 territory.

28 106011. On and after ~~January~~ *July* 1, 2010, the agency is
29 dissolved and the district succeeds to, and is vested with, all of the
30 rights, powers, duties, and obligations of the agency. The district

1 is the successor to the agency's interests in any property, its rights
2 and obligations under any contract, any outstanding indebtedness
3 of the agency, and its rights under any grants, without the necessity
4 of any further action.

5 106012. (a) The district shall assume the duties of public transit
6 provider performed by the agency. On and after ~~January~~ July 1,
7 2010, the Cities of Carmel-by-the-Sea, Del Rey Oaks, Marina,
8 Monterey, Pacific Grove, Salinas, ~~and Seaside and Seaside,~~
9 *Gonzales, Soledad, Greenfield, King City, Sand City*, the County
10 of Monterey, *and other jurisdictions that subsequently qualify as*
11 *members pursuant to the requirements set forth in Section 106020*
12 are included within the district.

13 (b) Additionally, the district is deemed to be, with all of the
14 powers and duties attendant thereto, the consolidated transportation
15 services agency for the county, with the concurrence of the regional
16 transportation planning agency.

17 106013. Upon dissolution of the agency, employees of the
18 agency shall be deemed to be employees of the district without
19 any break in service or any loss or reduction of compensation or
20 benefits, except as may be imposed by express action of the board.

21 22 CHAPTER 3. GOVERNMENT OF DISTRICT

23 24 Article 1. Board of Directors

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26 106020. (a) The district shall be governed by ~~an eight-member~~
27 *a board of directors which shall be composed of one representative*
28 *from each member jurisdiction which includes the Cities of*
29 *Carmel-by-the-Sea, Del Rey Oaks, Marina, Monterey, Pacific*
30 *Grove, Salinas, and Seaside and the County of Monterey.* Each
31 member of the board of directors shall have one vote. Each member
32 jurisdiction shall appoint one regular member and one alternate
33 member to the board of directors and shall notify the district in
34 writing of its appointments or any change of representative. ~~The~~
35 ~~City of Gonzales shall appoint a person to serve as a nonvoting,~~
36 ~~ex-officio member. Each member shall serve solely at the pleasure~~
37 ~~of the appointing member jurisdiction. Members shall be either~~
38 ~~elected officials or officers or employees of the appointing member~~
39 ~~jurisdiction.~~

1 **(b)** *Membership of the district shall be limited to the County of*
2 *Monterey and incorporated cities within the county and includes*
3 *the county and each city that gives the district the right of first*
4 *priority for use of any local, state, or federal funds allocated*
5 *specifically for public transportation systems and to which the city*
6 *member might otherwise be entitled to claim as, but not limited*
7 *to, local transportation funds pursuant to Chapter 4 (commencing*
8 *with Section 99200) of Part 11. The county shall give the district*
9 *the right of first priority of use of any local, state, or federal funds*
10 *allocated specifically for public transportation to which the county*
11 *might otherwise be entitled to claim as, but not limited to, local*
12 *transportation funds pursuant to Chapter 4 (commencing with*
13 *Section 99200) of Part 11 according to a ratio of unincorporated*
14 *population served by the district to the total unincorporated*
15 *population of the county.*

16 **(c)** *Each member shall serve solely at the pleasure of the*
17 *appointing member jurisdiction. Members shall be either elected*
18 *officials or officers or employees of the appointing member*
19 *jurisdiction.*

20 **(d)** *If any portion of the unincorporated area of the county is*
21 *annexed to a member city, that city shall assume the obligation of*
22 *the county for that area. If any portion of the unincorporated area*
23 *of the county becomes incorporated, that city shall assume the*
24 *obligations of the county for that area.*

25 106021. The board shall adopt bylaws for its proceedings
26 consistent with the laws of the state.

27 106022. The board shall do all of the following:

28 **(a)** Adopt an annual budget.

29 **(b)** Adopt an administrative code, by ordinance, which prescribes
30 the powers and duties of the district officers, the method of
31 appointment of the district employees, and methods, procedures,
32 and systems of operation and management of the district.

33 **(c)** Cause a postaudit of the financial transactions and records
34 of the district to be made at least annually by a certified public
35 accountant.

36 **(d)** Do any and all things necessary to carry out the purposes of
37 this part.

38 106023. The board of directors shall adopt priorities reflecting
39 the district's goals.

Article 2. Meetings

106030. The board, at its first meeting, and thereafter annually at the meeting designated by the board, shall elect a chairperson who shall preside at all meetings, and a vice chairperson who shall preside in the absence of the chairperson. In the event of his or her absence or inability to act, the members present, by an order entered in the minutes, shall select one of their members to act as chairperson pro tempore, who, while so acting, shall have all the authority of the chairperson.

106031. All meetings of the board shall be conducted pursuant to Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code.

106032. A majority of the board of directors entitled to vote constitutes a quorum for the transaction of business. All official acts of the district require the affirmative vote of a majority of the board of directors entitled to vote.

106033. The acts of the board shall be expressed by motion, resolution, or ordinance.

CHAPTER 4. POWERS AND FUNCTIONS OF THE DISTRICT

Article 1. Personnel

106040. (a) The district may hire an independent staff of its own or contract with any department or agency of the United States or with any public agency to implement this part.

(b) The district may contract with private entities in conformance with applicable procurement procedures for the procurement of engineering, project management, and contract management services.

106041. The board of directors shall fix the compensation of the district's officers and employees.

Article 2. Annual Budget

106045. (a) Notice of the time and place of a public hearing on the adoption of the annual budget shall be published pursuant to Section 6061 of the Government Code not less than 15 days prior to the day of the hearing.

1 (b) The proposed annual budget shall be available for public
2 inspection at least 15 days prior to the hearing.

3
4 Article 3. Corporate Powers
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6 106050. The district may sue and be sued, except as otherwise
7 provided by law, in all actions and proceedings, in all courts and
8 tribunals of competent jurisdiction.

9 106051. All claims for money or damages against the district
10 are governed by Division 3.6 (commencing with Section 810) of
11 Title 1 of the Government Code, except as provided therein, or by
12 other statutes or regulations expressly applicable thereto.
13

14 Article 4. Contracts
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16 106055. The district may make contracts and enter into
17 stipulations of any nature whatsoever, either in connection with
18 eminent domain proceedings or otherwise, including, but not
19 limited to, contracts and stipulations to indemnify and hold
20 harmless, to employ labor, and to perform all acts necessary and
21 convenient for the full exercise of the powers granted in this part.

22 106056. The district may contract with any department or
23 agency of the United States, with any public agency, including,
24 but not limited to, the Department of Transportation, any county,
25 city, or district, or with any person or a private entity upon the
26 terms and conditions that the district finds in its best interest for
27 the procurement of engineering, project management, and contract
28 management services.

29 106057. The district shall adopt procurement procedures that
30 comply with Federal Transit Administration Circular 4220.1D, as
31 amended, relative to third-party contracting.
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33 Article 5. Financing
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35 106060. (a) The district has no authority to impose property,
36 sales, general, or special taxes, but may, with the concurrence of
37 a majority of the member jurisdictions represented on the board
38 of directors, cause to be submitted to voters of the district a ballot
39 measure for the imposition of those taxes.

1 (b) If approved as required by law, the district may impose and
2 administer fees and other funding sources secured for transportation
3 system operation, maintenance, and improvement.

4 (c) The board of directors may set fares for public transit service
5 by resolution or minute order.

6 106061. As an alternative procedure for the raising of funds,
7 the district may issue bonds, payable from revenues of any facility
8 or enterprise to be acquired or constructed by the district, in the
9 manner provided by the Revenue Bond Law of 1941 (Chapter 6
10 (commencing with Section 54300) of Part 1 of Division 2 of Title
11 5 of the Government Code), all of the provisions of which are
12 applicable to the district.

13 106062. The district is a local agency within the meaning of
14 the Revenue Bond Law of 1941 (Chapter 6 (commencing with
15 Section 54300) of Part 1 of Division 2 of Title 5 of the Government
16 Code). The term “enterprise” as used in the Revenue Bond Law
17 of 1941 shall, for all purposes of this part, include transit facilities
18 and any and all parts thereof and all additions, extensions, and
19 improvements thereto and all other facilities authorized to be
20 acquired, constructed, or completed by a district or, in the
21 alternative, may issue revenue bonds under the Revenue Bond
22 Law of 1941, for the acquisition, construction, and completion of
23 any one of those facilities. Nothing in this article shall prevent the
24 district from availing itself of, or making use of, any procedure
25 provided in this part for the issuance of bonds of any type or
26 character for any of the facilities or works authorized under this
27 part, and all proceedings may be carried on simultaneously or in
28 the alternative, as the directors may determine.

29 106063. The district may advocate and act on behalf of all
30 district member jurisdictions with their concurrence to further
31 Monterey County transportation system interests, funding, projects,
32 and priorities.

33 106064. The district may promulgate a plan for funding
34 transportation projects within its jurisdiction.

35 SEC. 2. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district are the result of a program for which legislative authority
39 was requested by that local agency or school district, within the

- 1 meaning of Section 17556 of the Government Code and Section
- 2 6 of Article XIII B of the California Constitution.

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